

Fill in this information to identify the case:

Debtor 1 John Albert Hitchcock

Debtor 2 Jessica Marie Hitchcock  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Ohio  
(State)

Case number 2:15-bk-57690

## Official Form 410S1

## Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: U.S. Bank Trust National Association, as Trustee of the Igloo Series III Trust

Court claim no. (if known): 12-1

Last 4 digits of any number you use to identify the debtor's account:

0 0 5 4

Date of payment change:

Must be at least 21 days after date of this notice 08 / 01 / 2019

New total payment:

\$ 839.06

Principal, interest, and escrow, if any

## Part 1: Escrow Account Payment Adjustment

## 1. Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 590.75

New escrow payment: \$ 332.36

## Part 2: Mortgage Payment Adjustment

## 2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_%

New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$ \_\_\_\_\_

New principal and interest payment: \$ \_\_\_\_\_

## Part 3: Other Payment Change

## 3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

Debtor 1 John Albert Hitchcock Case number (if known) 2:15-bk-57690  
First Name Middle Name Last Name

**Part 4:** Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- ☐ I am the creditor.  
☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**X** /s/ Michelle R. Ghidotti-Gonsalves Date 07 / 02 / 2019  
Signature

Print: Michelle R. Ghidotti-Gonsalves Title AUTHORIZED AGENT  
First Name Middle Name Last Name

Company Ghidotti Berger LLP

Address 1920 Old Tustin Ave  
Number Street  
Santa Ana, CA 92705  
City State ZIP Code

Contact phone (949) 427 - 2010 Email mghidotti@ghidottiberger.com

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: June 25, 2019



  
C. Kathryn Preston  
United States Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS

In re:	)	Case No. 15-57690
	)	
JOHN ALBERT HITCHCOCK AND	)	Chapter 13
JESSICA MARIE HITCHCOCK,	)	
Debtors.	)	Judge Preston
	)	
	)	
<u>Creditor:</u> U.S. Bank, N.A., <i>et al.</i>	)	
<u>Servicer:</u> BSI Financial Services	)	
<u>Address:</u>	)	
1425 Greenway Drive, Suite 400	)	
Irving, TX 75038	)	

**AGREED ORDER RESOLVING OBJECTION OF THE**  
**UNITED STATES TRUSTEE TO THE CLAIM OF**  
**U.S. BANK, N.A., ET AL. (Claim No. 12-1) and RELATED NOTICE OF**  
**PAYMENT CHANGE (Docket No. 43) (Objection at Docket No. 44);**  
  
**WITHDRAWAL OF NOTICE OF MORTGAGE PAYMENT CHANGE**  
**(Docket No. 43)**

This case came on for consideration upon the United States Trustee's Objection to the Claim of U.S. Bank, N.A., *et al.*, by and through its mortgage loan servicer BSI

Financial Services, (hereinafter collectively as “Claimant”)(Docket No. 44, Claim No. 12-1).

The parties enter into the following Stipulations:

1. Debtors filed their Petition on November 30, 2015 (Docket No. 1);
2. Claimant filed its Proof of Claim on March 31, 2015 (Claim No. 12-1). The Claim was assigned on December 13, 2017 (Docket No. 37);
3. Claimant filed a Notice of Mortgage Payment Change on May 8, 2019 (“Notice,” Docket No. 43);
4. The U.S. Trustee filed his Objection on May 14, 2019, alleging potential irregularities in the Notice (Docket No. 44). Claimant filed its Response on June 13, 2019 (Docket No. 47);
5. This Court issued a Notice of Hearing scheduling hearing for June 21, 2019 (Docket No. 45).
6. After communication of the parties, this Agreed Order is full resolution with the following terms:
  - a. This Agreed Order withdraws Claimant’s Notice of Mortgage Payment Change filed May 8, 2019 (Docket No. 43);
  - b. After an internal audit, Claimant asserts Debtors’ monthly mortgage payment effective August 1, 2019, is the following:
    - \$506.70 for principal and interest
    - \$332.36 for escrow
    - \$839.06 TOTAL MONTHLY PAYMENT
  - c. The escrow deficiency of \$3,100.68 described in Claimant’s Notice will no longer be collected, and has been removed from the escrow analysis; and
  - d. Claimant will file a Notice of Mortgage Payment Change consistent with this Agreed Order by the deadline set forth in FED.R.BANKR.P. 3002.1(b) for an August 1, 2019, effective date (July 10, 2019).
7. Claimant shall update its internal records consistent with the terms of this Order.

In light of the foregoing Stipulations, the Court finds this Agreed Order well taken. Good cause appearing, therefore:

**IT IS HEREBY ORDERED** the escrow deficiency of \$3,100.68 described in Claimant's Notice will no longer be collected by Claimant, as it has been removed from the escrow analysis.

**IT IS FURTHER ORDERED** that as the escrow shortage of \$3,100.68 will no longer be collected by Claimant and has been removed from the escrow analysis, recompense of said sum will never be sought from the Debtors by Claimant at any time in the future.

**IT IS FURTHER ORDERED** that pursuant to an Annual Escrow Account Disclosure Statement from June 2019, Debtors' escrow account is now in balance and Debtors' monthly escrow payment effective August 1, 2019, in the amount of \$332.36 is equal to the base amount (estimated taxes, insurance and any other escrowed items disbursed in the aggregate amount of \$3,988.32, divided by 12 months). Debtors' new total monthly payment is \$839.06 (\$506.70 for principal and interest, and \$332.36 for escrow) effective August 1, 2019.

**IT IS FURTHER ORDERED** that Claimant's Notice of Mortgage Payment Change (Docket No. 43) is WITHDRAWN.

**IT IS FURTHER ORDERED** that Claimant shall file a Notice of Mortgage Payment Change consistent with the terms in this Order by July 10, 2019, in order to be effective August 1, 2019.

**IT IS FURTHER ORDERED** that Claimant shall update its internal records consistent with the terms of this Order.

**IT IS SO ORDERED.**

SUBMITTED BY:

Daniel M. McDermott  
United States Trustee, Region 9

/s/ Pamela Arndt

Pamela Arndt (0068230)  
U.S. Department of Justice, U.S. Trustee Program  
170 North High Street, Suite 200  
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Telephone: (614) 469-7411 ext. 228  
Facsimile: (614) 469-7448  
Email: Pamela.D.Arndt@usdoj.gov  
*Attorney for the U.S. Trustee*

/s/ Jon J. Lieberman – permission for electronic signature granted via email 6/20/19

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*Attorney for Claimant*

/s/ Mark Albert Herder – permission for electronic signature granted via email 6/20/19

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Attorney for Creditor

U.S. Bank Trust National Association, as Trustee of the Igloo Series III Trust

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF OHIO (COLUMBUS)

In Re: John Albert Hitchcock and Jessica Marie  
Hitchcock

Debtors.

CASE NO.: 2:15-bk-57690

CHAPTER 13

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave., Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On July 2, 2019 I served the following documents described as:

- NOTICE OF MORTGAGE PAYMENT CHANGE**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

**Debtor**

John Albert Hitchcock  
211 Sturbridge Road  
Columbus, OH 43228-1248

**Joint Debtor**

Jessica Marie Hitchcock  
211 Sturbridge Road  
Columbus, OH 43228-1248

**Trustee**

Frank M Pees  
130 East Wilson Bridge Road  
Suite 200  
Worthington, OH 43085

**US Trustee**

Asst US Trustee (Col)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215

**Debtor's Counsel**

Mark Albert Herder  
1031 East Broad Street  
Columbus, OH 43205

**US Trustee's Counsel**

Pamela Arndt  
170 North High Street  
Suite 200  
Columbus, OH 43215

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

\_\_\_\_ Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 2, 2019 at Santa Ana, California

/s/ Marlen Gomez  
Marlen Gomez